IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.483 OF 2005

M/s. Bombay Fibre Industries
Pvt.Ltd.and Ors. ..Applicants

Vs.

M/s.Emerald Woolen Mills
Pvt.Ltd. and Ors. ..Respondents

...

Mr.Niranjan Shimpi for Applicants
Mr.Abhinandan Vagyani for Respondent no.1
Mr.J.G.Reddy for Respondent no.2
Mr.Shriram Sirsat for Respondent no.3
Mr.S.Mhambre, A.P.P. for the State

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**CORAM: SMT.V.K.TAHILRAMANI,J.**

**DATE : JUNE 8,2005**

**P.C.**

1. Heard both sides.

2. The applicants are seeking quashing of the order issuing process against them in Criminal Case No. 519 of 2004 which is pending before the learned Magistrate, IInd Court, Thane. In the said case, the process has been issued against the

applicants under Section 420 r.w. 34 of IPC.

3. For the reasons recorded in my order passed today in Cri.Application No. 645 of 2005, in my view, it is clear that the applicants have remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court.

5. It may be stated that the stay has been granted by this Court to the proceedings before the trial Court. The said stay is extended for the period of four weeks from today.

6. On the necessary revision being preferred by the applicants before the concerned Sessions

Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties. All contentions of the parties are left open.

7. Criminal Application is disposed of.

8. Office to issue authenticated copy of this order to the parties.

[V.K.TAHILRAMANI,J]